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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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25227 7590 05/04/2011 MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 400 MCLEAN, VA 22102				
EXAMINER RILEY, MARCUS T				
ART UNIT 2625		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/799,758

Applicant(s)

FUNAKAWA ET AL

Examiner

MARCUS T. RILEY

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-940)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/27/2010
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This office action is responsive to applicant's remarks received on February 14, 2011. **Claims 1-22** are pending.

Response to Arguments

2. Applicant's arguments with respect to amended claims 1-22, filed on February 14, 2011 have been fully considered but they are not persuasive.

A: Applicant's Remarks

For applicant's remarks "*See Applicant Arguments/Remarks Made in an Amendment*" filed on February 14, 2011.

A: Examiner's Response

Applicant argues that the cited references either alone or in combination do not teach, disclose or suggest the judgment, transmission and image processing units as expressed below. Moreover, Applicant argues that there is no motivation to combine the Ueda or Hino.

Examiner understands Applicant's arguments but respectfully disagree. Ueda at Fig. 1 and Column 3, lines 51-60 and Column 27, lines 41-56 discloses a judgment unit, Fig. 1, CPU 12, that judges prior to commencement of the image processing, whether the image data is stored in the storage unit. For example, the first judging means judges whether or not the intermediate code (image print data) information corresponding to one page has been stored in

the first storage area. The first judging means judges corresponds to the CPU 12 which conducts the judging processing by executing the control program stored in the ROM 142 or the control program read onto the RAM 13 from the external memory 20 or an external storage medium prior to the image data being printed.

Hino '902 at Column 5, lines 58-65 discloses a transmission unit, Fig. 1, Protocol Controller 1101, that transmits the acquired image data to the external apparatus so that the transmitted image data is stored in the storage apparatus thereof while the storage unit stores the acquired image data. For example, the protocol controller 1101 has a function for making the communications with the outside by analyzing and transmitting a network protocol. When the HTTP is used, it acquires the document indicated by the URI or transmits the information to the Web server.

Furthermore, Hino '902 at Fig. 8, Steps 602 & 609 discloses an image processing unit that executes the image processing using the image data stored in the storage unit if the judgment unit judges positively and executes the image processing using the image data acquired by the second data acquiring unit if the judgment unit judges negatively. For example, at Step 602 the judgment is negative or positive. At step S609, Data is printed.

Finally, Ueda '764 and Hino '902 are combinable because they are from same field of endeavor of an image processing apparatus, see Hino '902 at the "*Field of Invention*". At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the image processing apparatus as taught by Ueda '764 by adding a transmission unit, second data acquiring unit and an image processing unit as taught by Hino '902. The motivation for doing so would have been because it advantageous to provide an image reading

device with improved operation characteristics so that data would continue to be transmitted without losing costly time. Therefore, it would have been obvious to combine Ueda '764 with Hino '902 to obtain the invention as specified in claim 1.

Claims 2, 7, 10, 13, 14, and 22 stand rejected under 35 U.S.C. § 103(a) over Ueda, Hino, and Kajita '706. Kajita does not fail to overcome the deficiencies of Ueda and Hino discussed above. As a result, Claims 2, 7, 10, 13, 14 and 22 are not allowable due at least to their respective dependencies.

Claims 8, 9, 16, and 22 all depend from non-allowable claim 1 and are therefore are not allowable due at least to their respective dependencies.

In view of the above, it is respectfully submitted that the present application is not in condition for allowance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 3-6, 11, 12, 15 & 17-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda (US 6,538,764 B2 hereinafter, Ueda '764) in combination with Hino (US 7,268,902 B2 hereinafter, Hino '902).

Regarding claim 1; Ueda '764 discloses an image processing apparatus (Fig. 1, Printer 2500) for transmitting and receiving data to/from an external apparatus (Fig. 1, Host Computer 1500, i.e. Data is transmitted to/from Host computer 1500 and Printer 2500 via communication line 21) that has a storage apparatus (Fig. 1, RAM 2), the image processing apparatus comprising:

a first data acquiring unit (Fig. 1, Input Section 15) that acquires image data to be subjected to image processing (i.e. Document data printing information is sent from the host computer 1500 through the data communication line 21, is received by the input section 15 of the printer 2500. Column 22, lines 57-64);

a storage unit (Figs. 1 & 11, RAM 13) that stores the acquired image data (i.e. The received data is stored in an intermediate code memory 501 of RAM 13 as shown in Fig. 11. Column 21, lines 57-60, Column 22, lines 57-64);

a judgment unit that judges (Fig. 1, CPU 12), prior to commencement of the image processing, whether the image data is stored in the storage unit (i.e. The first judging means judges whether or not the intermediate code information corresponding to one page has been stored in the first storage area. Column 3, lines 51-60 and Column 27, lines 41-56);

Ueda '764 does not expressly disclose a transmission unit that transmits the acquired image data to the external apparatus so that the transmitted image data is stored in the storage apparatus thereof while the storage unit stores the acquired image data; second data acquiring unit that acquires the image data from the external apparatus if the judgment unit judges negatively, and an image processing unit that executes the image processing using the image data stored in the storage unit if the judgment unit judges positively, and executes the image processing using the image data acquired by the second data acquiring unit if the judgment unit judges negatively.

Hino '902 discloses a transmission unit (Fig. 1, Protocol Controller 1101) that transmits the acquired image data to the external apparatus so that the transmitted image data is stored in the storage apparatus thereof while the storage unit stores the acquired image data (i.e. The protocol controller 1101 has a function for making the communications with the outside by analyzing and transmitting a network protocol. When the HTTP is used, it acquires the document indicated by the URI or transmits the information to the Web server. Column 5, lines 58-65);

second data acquiring unit (Fig. 1, Formatter Controller 1100) that acquires the image data from the external apparatus (i.e. The Formatter controller comprises a protocol controller 1101 that acquiring data from the outside. For example, when the HTTP is used, it acquires the document indicated by the URI from the web server. Column 5, lines 58-65) if the judgment unit judges negatively (Fig. 8 Steps 602 & 604 i.e. At Step 602 the judgment is negative or positive. At step S604, the intermediate code is generated for printing on the basis of the resource acquired from the outside. Column 7, lines 47 thru Column 8, lines 2).

and an image processing unit that executes the image processing using the image data stored in the storage unit if the judgment unit judges positively (Fig. 8 Steps 602 and 609 i.e. At Step S602 & S609 i.e. At Step 602 the judgment is negative or positive. At step S609, Data is printed).

and executes the image processing using the image data acquired by the second data acquiring unit if the judgment unit judges negatively (Fig. 8 Steps 602 and 609 i.e. At Step S602 & S609 i.e. At Step 602 the judgment is negative or positive. At step S609, Data is printed).

Ueda '764 and Hino '902 are combinable because they are from same field of endeavor of an image processing apparatus (Hino '902 "Field of Invention").

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the image processing apparatus as taught by Ueda '764 by adding a transmission unit, second data acquiring unit and an image processing unit as taught by Hino

'902. The motivation for doing so would have been because it advantageous to provide an image reading device with improved operation characteristics so that data would continue to be transmitted without losing costly time. Therefore, it would have been obvious to combine Ueda '764 with Hino '902 to obtain the invention as specified in claim 1.

Regarding claim 3; Ueda '764 discloses where the transmission unit transmits the acquired image data page by page to the external apparatus (i.e. The communication between the host computer 1500 and the printer 2500 may be executed such that, when one-page printing information is to be transferred from the host computer 1500 to the printer 2500. Column 26, lines 12-22).

Regarding claim 4; Hino '902 discloses where the storage unit has a capacity only sufficient to store one page of the image data, and each time the image processing unit completes image processing for one page of the image data stored in the storage unit (Fig. 8, Step S605 i.e. The data drawer 1104 expands the received intermediate code into the page memory 1105 at step S605. Column 7, lines 47 thru Column 8, lines 2); the second data acquiring unit acquires from the external apparatus another one page of the image data to be subjected to the image processing next (i.e. The Formatter controller comprises a protocol controller 1101 that acquiring data from the outside. For example, when the HTTP is used, it acquires the document indicated by the URI from the web server. Column 5, lines 58-65).

Regarding claim 5; Hino '902 discloses a memory (Fig. 7, Step S503) that stores information regarding progress of the image processing, wherein when executing the image processing using the image data acquired by the second data acquiring unit (Fig. 7, Step S503 i.e. The reception buffer is storage means for saving temporarily the data from the outside. Column 7, lines 25-30), the image processing unit refers to the information stored in the memory and executes the image processing for a part of the image data that has not been subjected to the image processing yet (Fig. 7, Step S505

i.e. At step S505, it is checked whether or not the document data is ended. If the document data is ended, the printing operation is completed. Column 7, lines 30-35).

Regarding claim 6; Hino '902 discloses where the information stored in the memory indicates pages of the image data that have already been subjected to the image processing (Fig. 8, Step S605 i.e. The data drawer 1104 expands the received intermediate code into the page memory 1105 at step S605. Column 7, lines 47 thru Column 8, lines 2);

Regarding claim 11; Ueda '764 discloses where the judgment unit judges whether the image data is stored in the storage unit each time power is turned on and/or each time the image processing apparatus recovers from a power failure (i.e. When the first judging means judges whether or not the intermediate code information corresponding to one page has been stored in the first storage area, it uses nonvolatile memory. Column 41, lines 16-20);

Regarding claim 12; Ueda '764 discloses a reception unit that receives image processing jobs each of which contains information specifying a start time at which an image processing job is to be subjected to the image processing and a start time judging unit that judges, each time power is turned on and/or each time the image processing apparatus recovers from a power failure, whether any of the image processing jobs received by the reception unit has a start time that has already reached (Fig. 3 #'s 313 i.e. Numeral 313 designates an image start address designating command which serves as an address for designating the address at which the printing of the image data 205 shown in FIG. 2A is to be started. Moreover, a non-volatile hard disk is used which saves data when the power is turned on/off or recovers from a power failure. Column 10, lines 50-56 and Column 22, lines 23-50);

Ueda '764 does not expressly disclose wherein if the judgment unit judges negatively, and if there is an image processing job that has been judged by the start time judging unit as having a start time that has already reached, the second data acquiring unit acquires image data

for the image processing job from the external apparatus earlier than image data for the remaining image processing jobs received by the reception unit.

Hino '902 discloses wherein if the judgment unit judges negatively, and if there is an image processing job that has been judged by the start time judging unit as having a start time that has already reached, the second data acquiring unit acquires image data for the image processing job from the external apparatus earlier than image data for the remaining image processing jobs received by the reception unit (i.e. The Formatter controller comprises a protocol controller 1101 that acquiring data from the outside. For example, when the HTTP is used, it acquires the document indicated by the URI from the web server. Column 5, lines 58-65).

Ueda '764 and Hino '902 are combinable because they are from same field of endeavor of an image processing apparatus (Hino '902 "Field of Invention").

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the image processing apparatus as taught by Ueda '764 by adding a reception unit as taught by Hino '902. The motivation for doing so would have been because it advantageous to provide an image reading device with improved operation characteristics so that data would continue to be transmitted without losing costly time. Therefore, it would have been obvious to combine Ueda '764 with Hino '902 to obtain the invention as specified in claim 1.

Regarding claim 15; Ueda '764 discloses where the first data acquiring unit is a receiving unit that receives print data from an external terminal connected with the image processing apparatus via a network (i.e. Controller 2000 receives data from Host computer 1500 connected via communication line 21. Column 15, lines 36-51).

Regarding claims 17 & 18; Claims 17 & 18 contains substantially the same subject matter as claim 1. Therefore, claims 17 & 18 are rejected on the same grounds as claim 1. However, Claim 18 discloses where the program is stored in a memory and causes the image processing apparatus to execute the program. Ueda '764 at column 1, lines 24-26 discloses a storage medium for storing a computer-readable program to implement a data processing method.

Regarding claim 19; Ueda '764 discloses wherein the first data acquiring unit is an image reading unit which scans documents (See Figure 13, Item #'s 1504, 1505 & 1506 where Numeral 1505 denotes a rotary polygon mirror which deflects the laser light 1504 to the left and right, thereby effecting scanning exposure of the surface of an electrostatic drum 1506).

Regarding claim 20; Ueda '764 discloses wherein the storage unit stores image data expanded based on the image data acquired by the first data acquiring unit (i.e. The first judging means judges whether or not the intermediate code information corresponding to one page has been stored in the first storage area; and first memory control means operative based on the result of judgment conducted by the first judging means. See column 3, lines 51-60).

5. **Claims 2, 7, 10, 13, 14 & 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Ueda '764 and Hino '902 as applied to claim 1 above, and further in view of Kajita et al. (US 6,069,706 hereinafter, Kajita '706).

Regarding claim 2; Ueda '764 does not expressly disclose a deletion instructing unit that, after the image processing is completed, sends to the external apparatus an instruction to delete the image data from the storage apparatus.

Kajita '706 discloses a deletion instructing unit (Fig. 10, Step S34) that, after the image processing is completed (Fig. 10, Step S33), sends to the external apparatus an instruction to delete the image data from the storage apparatus (i.e. At step S34 deletes the print request, for which the printing operation has been completed, from the reception list and also deletes the print data on the hard disk 7. Column 11, lines 1-4).

Ueda '764 and Kajita '706 are combinable because they are from same field of endeavor of an image processing apparatus (Kajita '706 at "Field of Invention").

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the image processing apparatus as taught by Ueda '764 by adding a deletion instructing unit as taught by Kajita '706. The motivation for doing so would have been because it advantageous to provide an image reading device with improved operation characteristics that can delete data that is not necessary or and to save memory space. Therefore, it would have been obvious to combine Ueda '764 with Kajita '706 to obtain the invention as specified in claim 1.

Regarding claim 7; Kajita '706 discloses where the memory is a nonvolatile memory (i.e. A non-volatile hard disk is used for storing the data obtained by image reading and those for printing. Column 10, lines 50-56).

Regarding claim 10; Kajita '706 discloses where the storage unit is a volatile memory (i.e. A volatile DRAM is used for the image memory. Column 10, lines 50-56).

Regarding claim 13; Kajita '706 discloses where the image processing is an image forming process (See Fig. 3 wherein if the copying apparatus 1 is subjected to various digital image processes in an image process unit 14 and subjected to image formation in a printer unit 15," column 4, lines 51-58).

Regarding claim 14; Kajita '706 discloses where the image processing is a fax transmission process (Fig. 23, Fig. 23 is a flow chart showing the control process in the facsimile apparatus 201).

Regarding claim 21; Hino '902 discloses where the image processing unit executes a printing process using the image data stored in the storage unit if the judgment unit judges positively (Fig. 8 Steps 602 and 609 i.e. At Step S602 & S609 i.e. At Step 602 the judgment is negative or positive. At step S609, Data is printed), and executes the printing process using the image data acquired by the second data acquiring unit if the judgment unit judges negatively (Fig. 8 Steps 602 and 609 i.e. At Step S602 & S609 i.e. At Step 602 the judgment is negative or positive. At step S609, Data is printed).

Hino '902 does not expressly disclose wherein the external apparatus is provided as a first-external apparatus the first data acquiring unit has a receiving unit that receives the image data from a second external apparatus the transmission unit transmits the acquired image data received from the second external apparatus to the first external apparatus.

Kajita '706 discloses wherein the external apparatus is provided as a first-external apparatus (Fig. 2, #2A) the first data acquiring unit (Fig. 3, #1) has a receiving unit (Fig. 3, #12, receives image data) that receives the image data from a second external apparatus (Fig. 2, #2B) the transmission unit (Fig. 3, Selector 13) transmits the acquired image data received from the second external apparatus to the first external apparatus (i.e. If the copying apparatus 1 is used as a remote scanner, the scanner acquires the image data, transmits the data via selector 13. Then, the image data is supplied through the CPU 8 and the external communication circuit 4 and transmitted to computer 2A. Column 5, lines 1-11).

Hino '902 discloses and Kajita '706 are combinable because they are from same field of endeavor of an image processing apparatus (Kajita '706 at "*Field of Invention*").

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the image processing apparatus as taught by Hino '902 discloses by adding the external apparatus as taught by Kajita '706. The motivation for doing so would have been

because it advantageous to transmit information efficiently. Therefore, it would have been obvious to combine Hino '902 discloses with Kajita '706 to obtain the invention as specified in claim 1.

6. **Claims 8, 9, 16 & 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Ueda '764 and Kajita '706 as applied to claim 1 above, and further in view of Iwazaki (US 6,687,742 B1 hereinafter, Iwazaki '742).

Regarding claim 8; Ueda '764 as modified does not expressly disclose where the external apparatus functions as a mail server, the transmission unit transmits to the external apparatus an electronic mail addressed to the image processing apparatus and containing the acquired image data, and the second data acquiring unit, if the judgment unit judges negatively, acquires the electronic mail from the external apparatus and extracts the image data from the acquired electronic mail.

Iwazaki '742 discloses where the external apparatus functions as a mail server (Fig. 1, e-mail server #10);

the transmission unit (Fig. 1, Internet facsimiles 3 & 8) transmits to the external apparatus an electronic mail addressed to the image processing apparatus and containing the acquired image data (See Fig. 1, i.e. Each of the Internet facsimiles 3 & 8 acquires capability information of a transmission destination which is added to an e-mail and then transmits an image in the form of an e-mail. Column 4, line 56 thru column 5, line 4);

and the second data acquiring unit, if the judgment unit judges negatively, acquires the electronic mail from the external apparatus and extracts the image data from the acquired electronic mail (See Fig. 1, i.e. Each of the Internet facsimiles 3 & 8 acquires capability information of a transmission

destination which is added to an e-mail and then transmits an image in the form of an e-mail. The Internet facsimiles 3 & 8 judges the conditions of transmitting an image with fixed image conditions or the condition of transmitting an image according to the capability of the transmission destination and processes the extracted image attached to an e-mail. Column 4, line 56 thru column 5, line 4);

Ueda '764 and Iwazaki '742 are combinable because they are from same field of endeavor of an image processing apparatus (Fig. 1, #'s 3 7 6-8, Iwazaki '742)

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the image processing apparatus as taught by Ueda '764 by adding where the external apparatus functions as a mail server as taught by Iwazaki '742. The motivation for doing so would have been because it advantageous to have a system that makes communication easier by the use of electronic mail. Therefore, it would have been obvious to combine Ueda '764 with Iwazaki '742 to obtain the invention as specified in claim 1.

Regarding claim 9; Iwazaki '742 discloses where the transmission unit converts the acquired image data into Tag Image File Format, and transmits to the external apparatus an electronic mail addressed to the image processing apparatus and containing the image data having been converted into Tag Image File Format, as an attached file (i.e. An image is converted to a file of the TIFF (Tagged Image File Format) format, attaches this file to an e-mail message according to the MIME (Multipurpose Internet Mail Extensions), the standard e-mail format, and this e-mail message is then transmitted to a designated e-mail address. column 1, lines 28-36).

Regarding claim 16; Iwazaki '742 discloses where the first data acquiring unit is a fax receiving unit (Fig. 1, #3) that receives fax data from an external fax apparatus (Fig. 1, #'s 6-8. i.e. The Internet facsimile 6 is a first-mode Internet facsimile which sends an e-mail one-sided to a receiver. The Internet facsimile 7 is a second-mode Internet facsimile which can detect the capability of a transmission destination and confirm the delivery of an e-mail. Column 4, lines 51-55).

Regarding claim 22; Ueda '764 as modified does not expressly disclose wherein the first data acquiring unit has an image reading unit that acquires image data through scanning a document, the transmission unit transmits the acquired image data read by the image reading unit to the external apparatus, and the image processing unit executes a fax transmission process using the image data stored in the storage unit if the judgment unit judges positively, and executes the fax transmission process using the image data acquired by the second data acquiring unit if the judgment unit judges negatively.

Kajita '706 discloses wherein the first data acquiring unit has an image reading unit (Fig. 3, Image Memory 9, i.e. image data is read from the image memory 9, Column 5, lines 1-11) that acquires image data through scanning a document (i.e. Image data is read from the image memory 9 that is scanned from scanner unit 12, Column 5, lines 1-11);

the transmission unit transmits the acquired image data read by the image reading unit to the external apparatus (i.e. The image data, read from the image memory 9, is supplied through the CPU 8 and the external communication circuit 4 and transmitted for example to the computer 2A, Column 5, lines 1-11);

Ueda '764 and Kajita '706 are combinable because they are from same field of endeavor of an image processing apparatus (Kajita '706 at "*Field of Invention*").

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the image processing apparatus as taught by Ueda '764 by adding acquiring image data through scanning a document and a transmission unit as taught by Kajita '706. The motivation for doing so would have been because it advantageous to scan and transmits a file efficiently. Therefore, it would have been obvious to combine Ueda '764 with Kajita '706 to obtain the invention as specified in claim 1.

Ueda '764 as modified does not expressly disclose an image processing unit executes a fax transmission process using the image data stored in the storage unit if the judgment unit judges positively, and executes the fax transmission process using the image data acquired by the second data acquiring unit if the judgment unit judges negatively

Iwazaki '742 and the image processing unit executes a fax transmission process using the image data stored in the storage unit if the judgment unit judges positively, and executes the fax transmission process using the image data acquired by the second data acquiring unit if the judgment unit judges negatively (See Fig. 1, i.e. Each of the Internet facsimiles 3 & 8 acquires capability information of a transmission destination which is added to an e-mail and then transmits an image in the form of an e-mail. The Internet facsimiles 3 & 8 judges the conditions of transmitting an image with fixed image conditions or the condition of transmitting an image according to the capability of the transmission destination and processes the extracted image attached to an e-mail. Column 4, line 56 thru column 5, line 4);

Ueda '764 and Iwazaki '742 are combinable because they are from same field of endeavor of an image processing apparatus (Fig. 1, #s 3 7 6-8, Iwazaki '742).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the image processing apparatus as taught by Ueda '764 by adding a fax transmission process as taught by Iwazaki '742. The motivation for doing so would have been because it advantageous to have a system that makes communication easier by the use of a facsimile apparatus. Therefore, it would have been obvious to combine Ueda '764 with Iwazaki '742 to obtain the invention as specified in claim 1.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS T. RILEY whose telephone number is (571)270-1581. The examiner can normally be reached on Monday - Friday, 7:30-5:00, est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcus T. Riley
Assistant Examiner
Art Unit 2625

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